

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA**

**BECKLEY DIVISION**

**WAYNE COX and KATHY COX,  
Individually and on behalf of a class  
of persons,**

**Plaintiffs,**

**v.**

**CIVIL ACTION NO. 5:17-cv-01982  
HON. IRENE C. BERGER, JUDGE**

**BRANCH BANKING AND  
TRUST COMPANY,**

**Defendant.**

**AND**

**LATRICIA E. GOODWIN, individually  
and on behalf of a class of persons**

**Plaintiff,**

**v.**

**CIVIL ACTION NO.: 5:16-cv-10501  
HON. IRENE C. BERGER, JUDGE**

**BRANCH BANKING AND TRUST  
COMPANY,**

**Defendant.**

**PLAINTIFFS' UNOPPOSED MOTION FOR  
PRELIMINARY APPROVAL OF SETTLEMENT, CONDITIONAL  
CLASS CERTIFICATION AND ENTRY OF SCHEDULING ORDER**

Plaintiffs Wayne Cox, Kathy Cox and Latricia Goodwin respectfully submit the above-styled motion and request the following:

1. That the Court enter an order preliminarily approving the proposed Settlement Agreement, attached as Exhibit A, and directing the parties to carry out their obligations pursuant to the Settlement Agreement;

2. That the Court enter an order conditionally certifying this case as a class action for settlement purposes only and defining, with reference to specific definitions in the Settlement Agreement, the “Settlement Class” as:

All West Virginia consumer automobile and/or home loan debtors to whom Defendant, its agents, employees, or independent contractors, sent (i) REC47 letters since January 17, 2013; (ii) Notice of Sale letters since December 16, 2013; or (iii) FC001 letters since September 17, 2012. Excluded from the class are: (i) any entity that is not a “natural person” including, but not limited to, corporate entities, trusts and estates; (ii) any person who received a letter in connection with a bankcard debt, direct retail loan debt, or deposit account related debt, as he or she is required to arbitrate his or her dispute with BB&T pursuant to the terms of the governing agreements for such products; and (iii) counsel and Court personnel.

Any person who excludes himself or herself from either class shall not be a member of the Settlement Class;

3. Designating Plaintiffs Wayne Cox, Kathy Cox and Latricia Goodwin as the representatives for the Settlement Class and designating their attorneys as Class Counsel;

4. Approving the form and manner of class notice;

5. That the Court adopt the following proposed schedule, the Court’s calendar permitting, for completion of remaining tasks:

a. Class Notice Mailed: 30 days after preliminary approval;

b. Objection/Exclusion Date: 30 days after the mailing of class notice;

c. Final Approval Submissions: 14 days after objection/exclusion date;

d. Final Approval Hearing: approximately 45 days after final approval submissions.

6. Pending the outcome of a final fairness hearing, preliminarily enjoining all members of the Settlement Class and those purporting to act on their behalf from commencing,

prosecuting, or maintaining any claim against the Released Entities already asserted in or encompassed by the Actions as defined in the Settlement Agreement.

7. Plaintiffs are authorized to state that Defendant Branch Banking and Trust Company does not oppose this motion.

Grounds for this motion are set forth in the accompanying Memorandum.

Attached to this motion are the following exhibits:

Exhibit A: Class Action Settlement Agreement and Exhibits;

Exhibit B: Declaration of Jonathan R. Marshall.

Respectfully submitted,

Plaintiffs,  
By Counsel.

s/ Jonathan R. Marshall

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**Certificate of Service**

I hereby certify that on this 15<sup>th</sup> day of August, 2018, **PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT, CONDITIONAL CLASS CERTIFICATION AND ENTRY OF SCHEDULING ORDER** was served on counsel of record through the CM/ECF system, which will notify the following CM/ECF participants:

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s/ Jonathan R. Marshall  
Jonathan R. Marshall (WVSB #10580)